IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4583 OF 2007

Ramchandra M. Bhujbal & Ors..... ....Petitioners
V/s
Mrs.Surekha A. Karanje & Ors..... ....Respondents.

Mr.S.N.Chandrachood, Adv. For the petitioners.

Mr.Vilas B. Tapkir, Adv. For respondent Nos. 1 and 2.

CORAM: A.P.DESHPANDE, J.
27/8/07

PC:

The predecessor-in-title of the present petitioners purchased two suit properties in the year 1979 and 1980 respectively under registered sale deeds. It is an admitted position that as the land in question were Kulkarni Watan Land prior permission of the Competent Authority was required to be obtained and the same was not obtained. As the prior permission was not obtained the names of the petitioners were not mutated in the revenue record. Sometime in the year 1992 petitioners came to know that the respondent No.3 is proposing to sell the same land to respondent Nos. 1 and 2, hence petitioners instituted a suit for declaration and injunction against the present respondents. The declaration sought in the suit is in regard to vesting of title in the present petitioners and by an injunction respondent No.3 was sought to be

restrained from alienating the same property in favour of respondent Nos. 1 and 2. It is not in dispute that the sale deed has been executed by respondent No.3 in favour of respondent Nos. 1 and 2 in the year 2002. It is the case of petitioners that behind their back names of respondent Nos. 1 and 2 came to be mutated in the revenue record pursuant to the sale deed executed in the year 2002 and hence the petitioners moved an application for cancellation of mutation entries in favour of respondent Nos. 1 and 2. The first authority the Tahsildar allowed the application filed by the present petitioners and directed deletion of names of respondent Nos. 1 and 2. Aggrieved by the order passed by the Tahsildar respondent Nos. 1 and 2 filed appeal before the Sub Divisional Officer. The Sub Divisional Officer dismissed the appeal and confirmed the order passed by the Tahsildar. Aggrieved by the said orders respondent Nos. 1 and 2 carried an Appeal before the Collector. The Collector dismissed the appeal and further aggrieved thereby revision came to be filed before the Commissioner. The Commissioner allowed the revision and set aside the orders passed by the authorities below which has given rise to the filing of present writ petition. I am informed that a civil suit has been instituted by the petitioners in the year 1999 which is at the verge of conclusion. Final arguments are also over and the matter is closed for judgment. The settled legal position is that the revenue entries in regard to mutation does vest a party with title to the property. Rival claims of

the present petitioners and respondent Nos. 1 and 2 to the suit lands is pending adjudication in civil court. Both the learned advocates appearing for respective parties are in agreement that the mutation entries would be subject to the decision by civil court and hence I do not propose to interfere with the impugned order. I hereby declare that the mutation entries in regard to suit properties shall be subject to decision of suit pending on the file of Civil Judge, Junior Division, Shirur and the parties shall maintain status quo in regard to suit properties till adjudication of dispute by civil court. With these observations writ petition is disposed of.

27.8.07